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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,438	10/23/2003	Greg D. Schechter	4080	2004

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EXAMINER

CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,438	Applicant(s) SCHECHTER ET AL.	
	Examiner John Chavis	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The claimed invention (in claims 31-35) is directed to non-statutory subject matter. The claimed invention is indicated as a system with means for providing certain functions. However, each of the functions appear to be merely software components. None of the components appear to be hardware or appear to communicate with hardware. For example, providing a type corresponding to a subclass is a software function that is not necessarily tied to a computer system. The preamble indicates that the functions occur in a computing environment; however, nothing in the body of the claims appear to tie the functions to a computing environment. The preamble also specifies a system; however, the "system" appears to be merely software functions. Each of the other functions could be performed by two programmers communicating with each other to determine changes required for components of a program. Therefore, the claims are considered non statutory.

Claim Objections

3. Claims 22 and 30 are objected to because of the following informalities: in claim 22, the period is omitted at the end of the claim; therefore, it is not clear if the claim is complete. In claim 30 no clear antecedent basis is provided for a third field (i.e. no first or second field has been defined). Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldman (2004/0006765).

Claims

1. In a computing environment, a Method comprising:

Receiving a request for a type;

Causing the type to be created, the type having a changeable property set to allow a change and

a status property set to not allow a change upon a next qualified use;

and on a next qualified use, causing the type to be cloned, the cloned

Goldman

See the title and the abstract.

See sect. 0005.

See sect. 0017, which allows **all** aspects of a program to be changed.

See sect.0097, which indicates that Java classes are not modifiable at runtime, especially classes that are final (status property set to not allow change upon next qualified use).

See sect. 0036, which allows subtypes to be defined and modified

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type having a changeable property set to not allow a change.

dynamically. Also, note that sect. 0092 indicates that “we can create more than one view of each instance” (causing the type to be cloned).

2. The method of claim 1 further comprising, receiving a request to copy the type, and in response, causing the type to be cloned, the cloned type having a changeable property set to allow a change and a status property set to allow a change upon the next qualified use.

See the rejection of claim 1.

3. The method of claim 2 further comprising, receiving a request to copy the cloned type, and in response, causing the cloned type to be cloned into a second cloned type, the second cloned type having a changeable property set to allow a change and a status property set to allow a change upon the next qualified use.

See again the rejection of claim 1 and note that modifications are allowed, even for classes listed as “final”.

4. The method of claim 1 further comprising, receiving a request to set the type to not allow a change, and in response, causing the type to have the changeable property not to allow a change.

See the rejection of claim 1.

5. The method of claim 4 wherein the type has an associated object tree, and further comprising, recursively setting property data in the object tree to not allow a change to any object in the tree.

See sect. 0091, which enables types to be dragged from either packages or class **trees** (via the visual representations of the instances of the classes).

6. The method of claim 4 further comprising, receiving a request to copy the type, and in response, causing the type to be cloned, the

See the rejection of claim 4.

cloned type having a changeable property set to allow a change and a status property set to not allow a change upon the next qualified use.

7. The method of claim 1 further comprising, receiving a request directed towards whether a changeable object is allowed to be made unchangeable, determining whether the changeable object is allowed to made unchangeable, and returning a response to the request based on that determination.

See sect. 0068 (whenever inconsistencies occur, the system provides immediate feedback).

8. The method of claim 1 further comprising, receiving a request to modify the status property to allow a changeable copy, and in response,

See the rejection of claim 1.

causing the type to have the status property set to a state in which the type is cloned upon a next qualified use, the cloned type having a changeable property set to allow a change and a status property set to not allow a change.

9. The method of claim 1 further comprising, receiving a request to modify the status property to allow a changeable reference, and further comprising, causing the type to have the status property set to allow a change upon a next qualified use.

“ “ “ “

10. The method of claim 9 further comprising, providing a notification of the change upon the next qualified use.

“ “ “ “

11. The method of claim 10 wherein providing the notification comprises propagating event handlers

See Sects. 0023, table 2 (constructors), and sects. 0036-0037. Also, see sect. 0058.

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hierarchically down the type, such that a deep node need not communicate with a parent node to provide a notification associated with the type when the deep object has changed.

12. The method of claim 1 further comprising, determining whether a next us is a qualified use.

See sect. 0049, "checking and maintaining consistency".

13. A computer-readable medium having computer-executable instructions, which, when executed, perform the method of claim 1.

See the rejection of claim 1.

As per claims 14 and 31, see the rejection of claim 1.

Claims 15 and 33 are rejected as claim 10.

The features of claims 16, 36 and 38 are taught via claim 11

See claim 7 in reference to claim 17.

As per claims 18-19, see the rejection of claim 8.

Claim 20-21 and 23-30 are rejected as claim 13.

The features of claims 22 and 32 are taught via claim 3.

See claim 2 in reference to claims 34-35.

As per claims 37, see the rejection of claims 1-3.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is (571) 272-3720. The examiner can normally be reached on M-F, 9:00am-5:30pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jc

A handwritten signature in black ink, appearing to read 'John Chavis', with a stylized flourish at the end.

John Chavis
Primary Examiner AU-2193